

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|-----------|
| UNITED STATES OF AMERICA, |) | |
| |) | 8:07CR346 |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| SHARON A. JOHNSON, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on the motion to continue by defendant Sharon A. Johnson (Johnson) (Filing No. 71). Johnson seeks a continuance of at least ninety (90) days of the trial of this matter which is scheduled for August 31, 2009. Johnson has submitted an affidavit wherein she represents that she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. The motion is supported by appropriate documentation of Johnson's medical condition. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Johnson's motion to continue trial (Filing No. 71) is granted.
2. Trial of this matter is re-scheduled for **December 7, 2009**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **August 10, 2009 and December 7, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant is physically unable to stand trial. The failure to grant additional time might result in miscarriage of justice. 18 U.S.C. § 3161(h)(3)(B).

DATED this 10th day of August, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge